

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

September 25, 2014

5:30 P.M.

MINUTES

Present: Mayor James Calnon, Councilors Rachelle Armstrong (W1), Mike Kelly (W2), Dale Dowdle (W3), Paul O'Connell (W4), Becky Kasper (W5), Joshua Kretser (W6)

Absent: None

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the regular meeting of the Common Council held on August 28, 2014 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor O'Connell; Seconded by Councilor Kasper

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the weeks ending September 17, 2014 in the amount of \$ 276,550.16 and September 24, 2014 in the amount of \$292,551.67 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Kasper; Seconded by Councilor Dowdle

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the weeks of September 11 - 24, 2014
- Report from the Building Inspector's office September 23, 2014
- Report of the Work Session of the Common Council held on September 4, 2014
- Statement from the City Clerk's Office of all monies received during the month of August 2014 in the total amount of \$14,421.05
- Finance Report of Revenue and Expenditures for the month of August 2014
- Report of Public Hearing held by the Zoning Board of Appeals on September 15, 2014

RESOLVED: That the reports as listed are hereby ordered received and placed on file among the public records of the City Clerk's Office.

By Councilor Kretser; Seconded by Councilor Armstrong
Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

4. CORRESPONDENCE OR RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council for the weeks ending September 19, 2014 in the amount of \$ 1,450,730.53 and September 26, 2014 in the amount of \$ 956,353.88 are authorized and allowed and the Mayor and City Clerk are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Kelly; Seconded by Councilor Dowdle
Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL: None

7. OTHER ITEMS:

A. RESOLVED: In accordance with the request therefore the Common Council approves Marjorie Long Heatherton and Derek Rosenbaum to host the ALS Walk of Hope event at Trinity Park, Macdonough Park and City Hall steps and grounds on May 23, 2015. Lower Court Street and Trinity Place would be closed to vehicle traffic to accommodate a festival and gathering of supporters. In addition, the walk would utilize sidewalks on Cornelia Street, Beekman Street, Broad Street, Margaret Street, Bridge Street, and City Hall Place.

By Councilor Kretser Seconded by Councilor Armstrong
Discussion: None
Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves Eva Sarachan of River Valley Theater to hold a theatrical performance of "A Midsummer Night's Dream" at Centennial Park on October 17, 18, and 19 2014.

By Councilor Kasper; Seconded by Councilor Kelly
Discussion:

Councilor Kelly asked where Centennial Park is.

Councilor Kretser answered behind Pine Harbor and Lake Forest where the Rotary pavilion is.

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

C. RESOLVED: In accordance with the request therefore the Common Council approves the Clinton County Department of Social Services to use the City Recreation Center indoor track from 8am-9am daily until April 30, 2015 for a supervised walking/running program for participants enrolled in Clinton County Family Treatment Court.

By Councilor Kasper; Seconded by Councilor Armstrong
Discussion:

Councilor Kasper asked what the impact is on other folks using the track.

Steve Peters stated there are between 8 and 10 people that use the track during that time and Judge Lawliss will be there to supervise.

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

D. RESOLVED: In accordance with the request therefore the Common Council approves the Municipal Lighting Department be permitted to proceed with the write-off of unpaid final bills for the period May 1, 2013 to May 31, 2013 in the amount of \$7,167.14. The percentage of write-offs for this period is .65%.

By Councilor Kasper; Seconded by Councilor Armstrong
Discussion:

Councilor Kasper asked Bill Treacy about these write offs and the months that the larger amounts occur.

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

E. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to refund \$3,026.93 to Aldi, Inc. for 2013 property taxes paid to the City of Plattsburgh and to Clinton County as stipulated in the Real Property Tax Law, Article 7 settlement agreement dated July 2nd, 2014, issued by the Supreme Court of New York State and included as attached documentation to these meeting minutes and for the City to credit \$1,089.56 from the next available property tax transfer to Clinton County to recover the share refunded by the City of Plattsburgh on behalf of Clinton County.

By Councilor Kasper; Seconded by Councilor Dowdle
Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(Councilors Armstrong, Dowdle, O'Connell, Kasper and Kretser voted in the affirmative. Councilor Kelly voted in the negative)

ACTION TAKEN: Adopted

Follow up Action: None

F. RESOLVED: In accordance with the request therefore the Common Council approves a leave of absence for Denise Nephew from her position as Typist in the Engineering Department effective September 15, 2014 to take provisional appointment of Senior Typist in the Building Inspector's office until her probationary requirements are completed. Leave of absence not to exceed one year from date September 15, 2014.

By Councilor Kasper; Seconded by Councilor Kelly
Discussion:

Councilor O'Connell asked if this is a promotion.

Human Resource Director Ann Giard Chase said yes.

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

G. RESOLUTION OF SUPPORT CLINTON COUNTY OIL TRAIN REGIONAL TASK FORCE

WHEREAS many citizens in the City of Plattsburgh and other municipalities in Clinton County are concerned about recent activity by the fossil fuel industry to transport Bakken and Tar Sands Crude via rail throughout our region; and

WHEREAS refineries in Albany have expanded to accommodate an even greater volume of these and other potentially dangerous products; and

WHEREAS New York Governor Andrew Cuomo passed Executive Order #125 directing New York State agencies to conduct a comprehensive review of crude rail transport safety procedures and emergency response preparedness and Albany County issued a moratorium on crude increases at the Port of Albany, pending a public health investigation; and

WHEREAS there has been a dramatic increase in rail crude transport in the City of Plattsburgh and along the Adirondack Coast, and more crude oil was spilled in U.S. rail accidents in 2013 than the preceding four decades, amounting to more than 1.15 million gallons in 2013 in addition to the July

2013 incident where 72 tanker cars loaded with 2 million gallons of flammable crude oil derailed in Lac-Megantic, Canada, causing explosions that killed 47 people, destroyed dozens of buildings, and caused over \$1 billion in damages; and

WHEREAS, the National Transportation Safety Board and the Pipeline and Hazardous Materials Safety Administration have made recommendations to avoid urban areas when transporting crude and to improve rail safety regulations for crude oil transport, including worse-case scenario emergency response plans; and

WHEREAS, extensive train loads of this material routinely travel through the City of Plattsburgh, a densely populated area, in our region; and

WHEREAS crude oil, like that coming from the Bakken Shale Reservoir, is known to be volatile, highly flammable, and contain elevated concentrations of benzene, a potent carcinogen; therefore, be it

RESOLVED, that the City of Plattsburgh supports the efforts to organize a regional Oil Train Task Force to address this issue and to provide accurate information and recommendations to the local officials, property owners and residents; and, be it further

RESOLVED, that a copy of this Resolution of support be given to Members of the County Legislature, and to Legislator, Harry Mc Manus, Chair of the CCL Transportation Committee, as evidence of the Plattsburgh City Council's support and willingness to participate in the process and identify a representative from the City to serve on said Task Force.

Motion to waive the reading of the resolution:

By Councilor Kretser; Seconded by Councilor O'Connell

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

Resolution:

By Councilor Kretser; Seconded by Councilor Kelly

Discussion:

Councilor Armstrong this is a step that the Council is taking in support of the Clinton County Oil Train Task Force. That task force is in the process of being formed.

Councilor Kasper appreciated your effort in bringing this to the Council and I really hope that we can partner with the County and other communities that lie along the corridor.

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

H. RESOLVED: In accordance with the request therefore the Common Council approves that the Mayor be authorized to sign an agreement with Mid-State Industries, Ltd for Contract # 2014-28 “Fire Station #1 & 2 Roof Replacement.” The total cost will not exceed \$205,811.

By Councilor O’Connell; Seconded by Councilor Kretser
Discussion:

Councilor O’Connell asked when the start and finish dates are.

Fire Chief Stone indicated the work would be finished in mid-November.

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

I. RESOLVED: In accordance with the request therefore the Common Council approves that the Mayor be authorized to sign an agreement with Jeda Environmental for Contract # 2014-27 “Mold Remediation for Dock Street Marina Building.” The total cost will not exceed \$ 19,690.

By Councilor Armstrong; Seconded by Councilor Kasper
Discussion:

Councilor Kretser and Councilor Kelly began the discussion with concerns, wanted to table.

[Further discussion on this topic]

Motion to Table:

By Councilor Kretser; Seconded by Councilor Kelly

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

(Councilors Armstrong, Dowdle, O’Connell, Kasper voted in the negative. Councilors Kelly and Kretser voted in the affirmative)

ACTION TAKEN: Defeated

Resolution as moved above:

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

(Councilors Armstrong, Dowdle, O’Connell, Kasper voted in the affirmative. Councilors Kelly and Kretser voted in the negative)

ACTION TAKEN: Adopted

Follow up Action: None

J. Motion to waive rule 4 for initial consideration “Request from Kevin Farrington City Engineer that the Mayor be authorized to sign an agreement with North Country Garden Center, Inc. for Contract # 2014-29 “Purchase and Planting of Trees” for the total unit bid price of \$34,780.”

By Councilor Kasper; Seconded by Councilor Kretser
Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)
ACTION TAKEN: Adopted

RESOLVED: In accordance with the request therefore the Common Council approves that the Mayor be authorized to sign an agreement with North Country Garden Center, Inc. for Contract # 2014-29 "Purchase and Planting of Trees" for the total unit bid price of \$34,780.

By Councilor Kretser; Seconded by Councilor Armstrong
Discussion:

Councilor Kasper asked where these were all going.

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)
ACTION TAKEN: Adopted

8. TRAVEL REQUEST:

A. RESOLVED: In accordance with the request therefore the Common Council approves a Police officer to attend the "Law Enforcement Training Directors Association Meeting" in Saratoga Springs, NY from September 30 – October 3, 2014 at an estimated cost of \$496 and will be expensed out of the Asset Forfeiture fund.

By Councilor Kretser; Seconded by Councilor O'Connell
Discussion: None
Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves Bill Treacy Manager MLD to attend "NYMPA's Semi-Annual Meeting" in East Syracuse, NY from October 20 – 21, 2014 at an estimated cost of \$296.99.

By Councilor Kasper; Seconded by Councilor Kretser
Discussion: None
Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

C. Motion to waive rule 4 for initial consideration "Request from Jon Ruff, Environmental Manager for Water Treatment Plant Operator Mike Stoutenger to attend two – one week classes for

“Grade 1 Water Operator Course” to obtain his IA water treatment plant operator certification in Tonawanda, NY from October 27 – 31, 2014 and in June 2015 at an estimated cost not to exceed \$2,070.”

By Councilor Kasper; Seconded by Councilor Kretser

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

RESOLVED: In accordance with the request therefore the Common Council approves Water Treatment Plant Operator Mike Stoutenger to attend two – one week classes for “Grade 1 Water Operator Course” to obtain his IA water treatment plant operator certification in Tonawanda, NY from October 27 – 31, 2014 and in June 2015 at an estimated cost not to exceed \$2,070.

By Councilor O’Connell; Seconded by Councilor Armstrong

Discussion:

Environmental Manager Jon Ruff clarified this cost is for one week.

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

9. RESOLUTIONS FOR INITIAL CONSIDERATION:

1. Request from Jon Ruff, Environmental Manager for Water Treatment Plant Operator Mike Stoutenger to attend two – one week classes for “Grade 1 Water Operator Course” to obtain his IA water treatment plant operator certification in Tonawanda, NY from October 27 – 31, 2014 and in June 2015 at an estimated cost not to exceed \$2,070. **(Move to agenda under “Travel Request” Letter C)**
2. Request from Kevin Farrington City Engineer that the Mayor be authorized to sign an agreement with North Country Garden Center, Inc. for Contract # 2014-29 “Purchase and Planting of Trees” for the total unit bid price of \$34,780. **(Move to agenda under “Other Items” Letter J)**

10. NEW BUSINESS:

Councilor O’Connell asked about if the Police Department incurs overtime when they send officers to training.

Mayor Calnon said no.

Councilor Dowdle asked about Hedge Law compliance how do we do it.

Mayor Calnon said that's a good question we should probably prepare something formal for you.

Mayor Calnon added the following resolutions under New Business:

A. RESOLVED: In accordance with the request therefore the Common Council approves a settlement agreement with the suit of Adirondack Advertising against the City of Plattsburgh. The highlights of the settlement would be that the City pays \$11,000 in attorney's fees to the plaintiff's firm. The second component is that the current size of the sign at issue is grandfathered and it will remain as is and there are no content based restrictions based on the content of that sign. The third major component is that the city will modify its sign law in conformance with Judge Kahn's decision. And there are other details of the settlement agreement which are generally standard language in the document. Authorize the Mayor to approve the settlement agreement as proposed.

By Councilor Armstrong; Seconded by Councilor Dowdle

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(Councilors Armstrong, Dowdle, O'Connell, Kasper and Kretser voted in the affirmative. Councilor Kelly voted in the negative)

B. RESOLVED: In accordance with the request therefore the Common Council approves a settlement to resolve an assessment challenge by Main Mill Investments LLC and the conditions of the settlement are payment of taxes previously paid with interest not to exceed \$72,000 and to set the assessed valuation of the subject property fix it to a schedule for the next 15 years.

By Councilor Kasper; Seconded by Councilor O'Connell

Discussion:

Councilor Kasper feels this is a reasonable and responsible approach.

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(Councilors Armstrong, Dowdle, O'Connell, Kasper and Kretser voted in the affirmative. Councilor Kelly voted in the negative)

Mayor Calnon wants to end on good news. When he was appointed to Council in spring 2007 Champlain Valley Transportation acquired a grant. 7 years later broke ground this afternoon.

11. CLOSING PUBLIC COMMENTS:

John Seiden 1Roosevelt Terrace spoke about Oil Trains and creating a quiet zone for trains going through the city.

Mayor Calnon indicated they are working on putting an application together and spoke further about process and requirements.

Motion to Adjourn by Councilor Kasper; Seconded by Councilor Kelly
Roll call Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

MEETING ADJOURNED: 6:35pm